

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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KENNETH CREIGHTON,

Plaintiff,

-against-

THE CITY OF NEW YORK, DETECTIVE DEAN  
ROBERTS (Shield No. 05861), DETECTIVE  
GLENN GODINO (Shield No. 2756), POLICE OFFICERS  
JOHN DOES 1-10 (names being fictitious and presently  
unknown and intended to be employees of the NYPD who  
were involved in Plaintiff's arrest, detention, imprisonment,  
and/or prosecution), DISTRICT ATTORNEY ROBERT T.  
JOHNSON, ASSISTANT DISTRICT ATTORNEY BRUCE  
BIRNS A/K/A BURNS, ASSISTANT DISTRICT ATTORNEY  
ED TALTY a/k/a ED TULTY and ASSISTANT DISTRICT  
ATTORNEY MICHAEL COOPER,

Defendants.

**PLAINTIFF'S NOTICE  
OF MOTION FOR  
PARTIAL SUMMARY  
JUDGMENT**  
12 CIV 7454 (PGG)

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**PLEASE TAKE NOTICE** that upon the annexed the Statement of Material Facts Pursuant to Local Civil Rule 56.1, the June 27, 2016 Declaration of Richard Gross and the exhibits annexed thereto, plaintiff, Kenneth Creighton will move this Court for an order, pursuant to Fed.R.Civ.P. 56 granting partial summary judgment his favor on plaintiff's 1) New York State-law false arrest claims against defendants City of New York ("City"), Glenn Godino (Godino), Dean Roberts (Roberts), Bruce Birns (Birns) and Ed Talty (Talty) [First Cause of Action]; New York State-law claims for malicious prosecution against defendants City, Godino and Roberts [Second Cause of Action]; 3) federal claims pursuant to 42 U.S.C. §1983 for malicious prosecution against Godino and Roberts [Fourth Cause of Action] and 4) federal claims pursuant 42 U.S.C. §1983 for denial of procedural and substantive due process against

Godino [Sixth Causes of Action], on the grounds that there are no genuine issues of material fact to be tried and for any such other and further relief as the Court deems just and proper.

Dated: New York, New York  
June 27, 2016

**PAZER, EPSTEIN & JAFFE, P.C.**

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RICHARD GROSS

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